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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,148

Applicant(s)

OKAYAMA ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-16-05.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
4a) Of the above claim(s) 17-30 and 32-45 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16, 31, 46 and 47 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09-28-01.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 17-30 and 32-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11-16-05.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Data Receiving Apparatus and Data Receiving Method with a Plurality of Memory Areas.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before

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the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Prus et al (US 2005/0144651 and hereafter referred to as "Prus").

Regarding Claim 7, Prus discloses a data receiving method of receiving data transmitted via a broadcast wave or an electric communication line (Figure 1) comprising the steps of securing in a storage unit an exclusive memory area exclusively usable by a provider or a sender of the data or having a flash memory, which is write protected, for software or an operating system and which only the head end can deliver data after the security data is verified of the source (Page 3, paragraph 0027) and storing received data in the exclusive memory area when the received data is what is desired by the provider or sender to be stored in the exclusive memory area or storing the upgraded software in the memory as the head end provides the software (Pages 2-3, paragraphs 0023-0026).

Regarding Claim 8, Prus discloses a service center apparatus or headend (Figure 1, 101) for managing a data receiving apparatus (Figure 1, 150) via an electric communication line (Figure 1, 102), comprising: means for communicating with the data receiving apparatus (Figure 1, 102); and means for determining if an exclusive memory area exclusively usable by a provider or a sender of the data has been secured in a storage unit of the data receiving apparatus or if security data of the source has been verified in order to upgrade software for the flash memory of software (Pages 2-3, paragraphs 0023-0027).

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Regarding Claim 9, Prus discloses a data receiving apparatus managing method of managing a data receiving apparatus via an electric communication line (Figure 1, 150), comprising the step of: determining if an exclusive memory area exclusively usable by a provider or a sender of the data has been secured in a storage unit of the data receiving apparatus or if security data of the source has been verified in order to upgrade software for the flash memory of software (Pages 2-3, paragraphs 0023-0027).

5. Claims 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond et al (US 6,698,020 and hereafter referred to as "Zigmond").

Regarding Claim 11, Zigmond discloses a data receiving apparatus for receiving data transmitted via a broadcast wave or an electric communication line (Figure 3, 50, 56, Figure 4, 62,66, 60, Figure 5, 80), comprising: a receiving unit for receiving the data (Figure 5, 84); and a storage unit (Figure 5, 82, 81) which stores the data and has a plurality of memory areas logically or physically separated from one another (Figure 5, 82, 81), wherein at least one of the plurality of memory areas is a restricted memory area subjected to restriction of at least one of writing, reading, alteration and deletion of the data based on an instruction from a user of the data receiving apparatus (Figure 5, 82).

Regarding Claim 12, Zigmond discloses the limitations of Claim 11. Zigmond discloses that wherein those memory areas which are other than the restricted memory area store main data about a broadcast program (Figure 5,

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81); and the restricted memory area stores sub data about a commercial or service providing offer (Figure 5, 86, 83, 82).

Regarding Claim 13, Zigmond discloses the limitations of Claim 12. Zigmond disclose a processing unit for changing sub data included in the main data to the sub data stored in the restricted memory area and displaying the main data containing the changed sub data on a display unit or the ad selection criteria uses the parameters and rules to change the sub data or advertisement (Figure 5, 83, Column 11, lines 13-49) and the system is a processing device to perform certain functions, which reads on a processing unit performing the above functions (Column 6, lines 48-67).

Regarding Claim 14, Zigmond discloses the limitations of Claim 13. Zigmond discloses that the processing unit changes sub data included in the main data to the sub data stored in the restricted memory area when making a decision that an expiration period of the sub data included in the main data has passed or with any time sensitive advertisements another advertisement can replace it (Column 14, lines 4-12).

Regarding Claim 15, Zigmond discloses the limitations of Claim 13. Zigmond discloses that the processing unit changes sub data included in the main data to the sub data stored in the restricted memory area in accordance with a priority order predetermined for the sub data stored in the restricted memory area or a certain advertisement is displayed in reference to a specific program being displayed (Column 12, lines 66-67, Column 13, lines 1-3), an advertiser makes it a priority that his advertisement is shown regardless of

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programming (Column 12, lines 44-59), the profile of a particular viewer creating the priority of the advertisements (Column 2, lines 33-43), or the viewer selecting a particular advertisement or a default advertisement (Column 17, lines 3-9).

Regarding Claim 16, Zigmond discloses the limitations of Claim 12.

Zigmond discloses comprising a processing unit for inserting the sub data in the main data and displaying that sub-data inserted main data on a display unit (Figure 5, Figure 6).

6. Claims 46 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Bisdikian et al (US 6,047,317 and hereafter referred to as "Bisdikian").

Regarding Claim 46, Bisdikian discloses a data receiving apparatus for receiving data transmitted via a broadcast wave or an electric communication line (Figure 1), comprising: a receiving unit for receiving the data (Figure 1, Figure 5, 52); a storage unit for storing received data (Figure 5, 60); and a processing unit (Figure 5, 54) for securing in the storage unit a priority memory area which is usable by priority by a provider or a sender of the data with respect to a user of the data receiving apparatus (Column 3, lines 3-7, Column 4, lines 1-4, Column 5, lines 28-33, Column 6, lines 22-26, Abstract).

Regarding Claim 47, Bisdikian discloses a service center apparatus (Figure 1, 10) for managing a data receiving apparatus via an electric communication line (Figure 1, 12), comprising: means for communicating with the data receiving apparatus (Figure 1); and means for determining if a priority

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memory area usable by priority by a data provider or a data sender with respect to a user of the data receiving apparatus has been secured in a storage unit of the data receiving apparatus (Figure 5, 60, Column 3, lines 3-7, Column 4, lines 1-4, Column 5, lines 28-33, Column 6, lines 22-26, Abstract).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al (US 5,990,927 and hereafter referred to as "Hendricks") in view of Prus.

Regarding Claim 1, Hendricks discloses a data receiving apparatus (Figure 1, 220) for receiving data transmitted via a broadcast wave or electric communication line (Figure 1, Figure 3, 216) comprising: a receiving unit for receiving the data (Figure 1, 220, Figure 3, 220, Figure 4, 603); a storage unit for storing received data (Figure 4, 620); and a processing unit (Figure 4, 602) for securing in the storage unit information provided by the provider or sender of the data or upgrading software on the data receiving apparatus (Column 31, lines 54-60). Hendricks does not disclose a memory that is exclusive to that of only the provider or sender of data. Prus discloses a system that has a headend sending

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data to data receiving apparatus or settop receiver (Figure 1). Prus discloses an exclusive memory area exclusively usable by a provider or a sender of the data or software upgrading is conducted on a memory (Pages 2-3, paragraphs 0023-0026) after checking of security data to verify the source of the software (Page 3, paragraph 0027). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks to include an exclusive memory area that is only usable by the provider or sender of data (Pages 2-3, paragraphs 0023-0027) as taught by Prus in order to make it more convenient for the customer by upgrading software without removing a memory device or the customer making a trip to a facility for repair (Page 1, paragraphs 0004-0005) as disclosed by Prus.

Regarding Claim 2, Hendricks and Prus disclose all the limitations of Claim 1. Hendricks discloses that the storage unit has a user memory area for storing received data in accordance with an instruction from a user of the data receiving apparatus (Column 40, lines 55-67, Column 41, lines 1-20).

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Prus as applied to claim 2 above, and further in view of Hanai et al (US 2005/0160455 and hereafter referred to as "Hanai").

Regarding Claim 3, Hendricks and Prus discloses all the limitations of Claim 2. Hendricks and Prus are silent on displaying memory capacity. Hanai discloses an entertainment system which a provider transmits data to the user's receiver (Figure 1, Figure 2). Hanai discloses processing unit or record manager

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displaying on a display unit an unused memory capacity or available capacity (Page 4, paragraph 0051), a used memory capacity (Figure 10, Page 4, paragraph 0051) of the user memory area. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks in view of Prus to include processing unit or record manager displaying on a display unit an unused memory capacity or available capacity (Page 4, paragraph 0051), a used memory capacity (Figure 10, Page 4, paragraph 0051) of the user memory area as taught by Hanai in order to for the receiver to choose the optimal record media based on program data quantity (Page 1, paragraph 0008) as disclosed by Hanai.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Prus as applied to claim 1 above, and further in view of Fell et al (US 6,674,994 and hereafter referred to as "Fell").

Regarding Claim 4, Hendricks and Prus discloses all the limitations of Claim 1. Hendricks discloses an electric communication line (Figure 1, 210). Hendricks and Prus are silent on the processing unit transmitting an entire memory capacity based on a predetermined schedule upon reception of a request. Fell discloses a transmitter and a receiver for delivery of a data file (Column 2, lines 3-7). Fell discloses that the controller or processing unit transmit the storage capacity in accordance with a predetermined schedule or a scheduling order upon the reception of a request or the transmitter sends a data file upon a request via a scheduling order and based on the storage capacity of

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the receiving side the storage can be conducted at the receiving side (Column 6, lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks in view of Prus to include processing unit transmit the storage capacity in accordance with a predetermined schedule or a scheduling order upon the reception of a request (Column 6, lines 1-15) as taught by Fell in order to have a automated transfer of files in a cost effective manner (Column 1, lines 21-24) as disclosed by Fell.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Prus as applied to claim 1 above, and further in view of Kawai et al (US 6,792,245 and hereafter referred to as "Kawai").

Regarding Claim 5, Hendricks and Prus discloses all the limitations of Claim 1. Hendricks and Prus are silent on the identifier added to received data and determining the storage location. Prus discloses exclusive memory area (Page 3, paragraph 0027). Kawai discloses a data receiving method of receiving data transmitted via a broadcast wave or an electric communication line (Figure 1, Figure 2) and that data receiving apparatus having plurality of storage sections or mediums CD, DVD, the processor connected or DRAM and EEPROM (Column 7, lines 18-20, lines 61-65). Kawai discloses that based on an identifier added to received data (Column 4, lines 58-60), the processing unit determines if the received data is data to be stored in the memory area (Column 6, lines 22-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks in view of Prus to

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include based on an identifier added to received data (Column 4, lines 58-60), the processing unit determines if the received data is data to be stored in the memory area (Column 6, lines 22-32) as taught by Kawai in order to for the receiver to receive the most up to date information based on real time basis (Column 1, lines 37-44, Column 2, lines 29-33) as disclosed by Kawai.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Prus as applied to claim 1 above, and further in view of Hofmann (US 5,883,677 and hereafter referred to as "Hofmann").

Regarding Claim 6, Hendricks and Prus disclose all the limitations of Claim 1. Hendricks and Prus are silent on storage unit with plurality of exclusive memory areas physically or logically separated from one another in association with a plurality of providers or senders. Hofmann discloses an entertainment system with plurality of providers (Figure 3, 310, 314, 320, Figure 4A, 314) to provide data to the user via a receiver (Figure 2). Hofmann discloses a storage unit with plurality of exclusive memory areas physically or logically separated from one another in association with a plurality of providers or senders or that there are plurality of providers with data feeds that are separately buffered (Column 7, lines 3-5, lines 6-12, Figure 4A, Figure 7A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks in view of Prus to include a storage unit with plurality of exclusive memory areas physically or logically separated from one another in association with a plurality of providers or senders (Column 7, lines 3-5, lines 6-

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12, Figure 4A, Figure 7A) as taught by Hofmann in order to receiving, organizing and displaying information related to services of multiple sources (Column 1, lines 9-12) and to allow users to use one system versus several systems (Column 2, lines 16-22) as disclosed by Hofmann.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prus in view of Hanai.

Regarding Claim 10, Prus discloses all the limitations of Claim 9. Prus is silent on determining the entire memory capacity. Hanai discloses an entertainment system which a provider transmits data to the user's receiver (Figure 1, Figure 2). Hanai discloses record manager determining the memory capacity of the record media or storage devices in order to record data, which reads on determining at least one of an entire memory capacity and an entire storage time duration of the exclusive memory area (Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Prus to include determining at least one of an entire memory capacity and an entire storage time duration of the exclusive memory area (Figure 3) as taught by Hanai in order to for the receiver to choose the optimal record media based on data quantity (Page 1, paragraph 0008) as disclosed by Hanai.

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13. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Swix et al (US 2004/0163101 and hereafter referred to as "Swix").

Regarding Claim 31, Hendricks discloses a data receiving method of receiving data transmitted via a broadcast wave or an electric communication line (Figure 1, 220, Figure 3, 220, 216), comprising the steps of: receiving the data (Figure 1, 220, Figure 3, 220, 216, Figure 4, 603); and storing the data in different memory areas among a plurality of memory areas in a storage unit, which are logically or physically separated from one another (Figure 4, 620, Column 10, lines 52-56, Column 14, lines 60-64, Column 15, lines 53-57). Hendricks is silent of an identifier. Swix discloses data is stored in accordance with an identifier added to the received data (Page 2, paragraph 0015). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks to include data is stored in accordance with an identifier added to the received data (Page 2, paragraph 0015) as taught by Swix in order to make it target advertisements or services for viewers (Page 1, paragraph 0005) as disclosed by Swix.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number

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is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
January 12, 2006


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